



Agenda Item Number: \_\_\_\_\_

## BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

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Meeting Date: February 23, 2010

Department: Zoning, Building, Planning      Staff Contact: Mari Simbaña, Program Planner

**TITLE:** APPEAL: Zone Map Amendment from A-2/C-1 to C-1 (CZ-90009/CO-20100005)

### COUNTY PLANNING COMMISSION RECOMMENDATION:

Approval

### SUMMARY:

At the January 6, 2010 public hearing, the County Planning Commission voted (4-2; Commissioners Barbour, Pacias opposed; Commissioner McMahan excused) to approve the request for a zone map amendment from C-1/A-2 to C-1 on Tract 12A and a portion of SHC 2998 tract 3 excluding portion out to right-of-way, located at 4 Arrowhead Drive & 8 Frost Road, on the southeast corner of North Highway 14 and Frost Road, and containing approximately 16 acres. The decision was based on five (5) Findings. (Attachment 2).

On January 25, 2010, the appellant, Christine Smith, President of the East Mountain District 5 Coalition, submitted an application of appeal (Attachment 1). The letter of justification states that, "We oppose changing the entire property to C-1 because of the intensity of some of the uses allowed under C-1. A zone change to C-1 is not more advantageous to the community as articulated in the Comprehensive Plan and the East Mountain Area Plan as it does not maintain the residential zoning pattern."

At the January 2010 hearing, CPC determined that the zone change was appropriate because of its proximity to the commercial node as designated by the East Mountain Area Plan and its consistency with Resolution 116-86 in that this land use change is more advantageous to the community by providing necessary goods and services as well as.

### Criteria for Evaluating Zone Map Changes and Special Use Permit Applications

Resolution 116-86 states that the applicant must demonstrate that the existing zoning is inappropriate because:

1. there was an error when the existing zone map was created; or
2. changed neighborhood or community conditions justifies a land use change; or
3. a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other County Master Plan, the even though (1) and (2) above do not apply.

**ATTACHMENTS:**

1. Appeal application.
2. County Planning Commission Notice of Decision Letter (January 11, 2010).
3. County Planning Commission Information Packet.
4. County Planning Commission January 2010 minutes.
5. Letter of Opposition to Zone Change.
6. Letter of Support for Zone Change.

**STAFF ANALYSIS SUMMARY****ZONING, BUILDING & PLANNING:**

Staff Recommends Denial of Appeal.